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IPR2015-01965, Paper No. 35

IPR2015-01977, Paper No. 43

December 27, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ALARM.COM INC.,  
Petitioner,

v.

VIVINT, INC.,  
Patent Owner.

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Case IPR2015-01965 (Patent 7,884,713 B1)

Case IPR2015-01977 (Patent 6,924,727 B2)

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Held: November 30, 2016

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BEFORE: MICHAEL R. ZECHER, JAMES B. ARPIN, and  
CHARLES J. BOUDREAU, Administrative Patent Judges.

The above-entitled matter came on for hearing on Wednesday,  
November 30, 2016, commencing at 1:00 p.m., at the U.S. Patent  
and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

Case IPR2015-01965 (Patent 7,884,713 B1)  
Case IPR2015-01977 (Patent 6,924,727 B2)

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P R O C E E D I N G S

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JUDGE ZECHER: Good afternoon. I'm Judge Zecher, I'm here with my colleagues, Judge Arpin and Judge Boudreau. This is an oral argument for case IPR2015-01965. The patent involved is Patent Number 7,884,713. This is also an oral argument for IPR2015-01977. The patent involved there is Patent Number 6,924,727. So, those will be the two cases we will be hearing today.

We did want to as a matter of housekeeping deal with an email that we received this morning from the parties regarding three other cases in this same family. Just so I'm clear, Mr. Sterne sent an email this morning regarding case numbers IPR2016-0116, 00161, and 00173. There is a request in there for certain remedies that they believe is necessary or they would like the Board to authorize with respect to a Reply reportedly exceeding the proper scope of the Patent Owner Response.

The panel has had an opportunity to discuss this prior to the hearing, and we just wanted to inform the parties that we're not going to authorize a conference call on that at this time. It appears that a deposition or that cross-examination of the reply declarant has yet to be taken and an opportunity for a motion for observation is still there. So, once the parties have completed that process, and, if they still believe that there's some due process concerns, they're free to return to us and ask if there's any other

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1 remedies that may be had, but, at this time, we think it's a little  
2 premature to authorize either a surreply or the striking or a  
3 motion to request expungement of the Reply, as well as a one to  
4 two-page nonargument brief.

5           That being said, let's move on to the cases at hand here.  
6 The first case we're going to hear this afternoon is the 1965 case.  
7 I think I would like to begin with the parties introducing  
8 themselves. Let's start with Petitioner.

9           MR. MANDIR: Good afternoon, Your Honor, William  
10 Mandir for the Petitioner Alarm.com from Sughrue. With me is  
11 my colleague, Brian Shelton.

12           JUDGE ARPIN: Excuse me, Judge Zecher, could you  
13 please ask the counsel to step to the podium, because we can't  
14 hear them at the satellite offices unless they are standing at the  
15 podium.

16           JUDGE ZECHER: Just a few issues, particularly with  
17 this hearing. Obviously you can see that my two counterparts are  
18 not here, so they won't be able to hear you unless you speak into  
19 the microphone. And then similarly, if we have exhibits that  
20 you're going to show on the screen here, make sure you use the  
21 appropriate slide number so they can follow along. But go ahead.

22           MR. MANDIR: Sure. Good afternoon. William  
23 Mandir from Sughrue Mion for the Petitioner, Alarm.com. With  
24 me from my firm is Brian Shelton. Also with us today is Dan

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1 Ramos, who is the executive vice president from Alarm.com, and  
2 I'll let my co-counsel introduce themselves.

3 MR. BROOKS: Good afternoon. Roger Brooks with  
4 Cravath, Swaine & Moore for Alarm.com, and with me is my  
5 partner, Teena Sankoorikal, who will be arguing the first of the  
6 petitions.

7 JUDGE ZECHER: Thank you very much.

8 For Patent Owner?

9 MR. STERNE: Good afternoon, Your Honor. Robert  
10 Sterne from Sterne, Kessler, Goldstein & Fox in Washington,  
11 D.C. With me is my partner, Michael Messinger, and Christian  
12 Camarce from my firm. They will be arguing the first case, Your  
13 Honor, and I will be arguing the second case. So, I will introduce  
14 you now to Mr. Messinger.

15 JUDGE ZECHER: Thank you.

16 MR. MESSINGER: Good afternoon, Your Honor.  
17 Michael Messinger representing Patent Owner Vivint.

18 JUDGE ZECHER: Okay.

19 MR. MESSINGER: And with me is Christian Camarce  
20 as well.

21 JUDGE ZECHER: Thank you. So, we received the  
22 parties' email the other day regarding the structure of this  
23 hearing. The first case will be 20 minutes each side, for each  
24 party, and the second case is 40 minutes. So, we will give the  
25 floor to Petitioners, and you may begin.

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